IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.231 OF 2006

Shri.Surajprakash Pukharaj Maheshwari
and Ors. ..Petitioners

Vs.

The State of Maharashtra & Anr. ..Respondents

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Mr.V.V.Purwant with M.S.Kumthekar Advocate for Petitioners
Mr.V.B.Konde-Deshmukh A.P.P. for State
Mr.Suraj S.Kudalkar for Respondent No.2

...

CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : MARCH 20, 2006

P.C.:

1. By consent, taken for final hearing. Rule. By consent, rule is heard forthwith.

2. Heard the learned advocate for the accused, complainant and learned A.P.P. for the State.

3. Prayer in the petition is that F.I.R. registered against the accused under Sections 467 & 381 of IPC, be quashed on the basis of judgment of

the Supreme Court reported in **2003 (4) S.C.C. 675; B.S.Joshi and Ors. Vs. State of Haryana and another.** The value of the stolen cheques was Rs.97,000/-. The accused has paid all the said amount to the complainant. Advocate for the complainant admits that the complainant has received the aforesaid amount. In the aforesaid judgment, Supreme Court has observed that Section 320 of Cr.P.C. does not limit the powers of the High Court under Section 482 of Cr.P.C. and therefore, in that case, criminal proceedings or F.I.R. filed by the complainant, was quashed. Since the advocate for the accused, complainant and learned A.P.P. are conceding to this legal position, F.I.R. in the instant case is quashed as per prayer clause (a) in C.R.No. 572 of 2005 of Saki Naka Police Station.

4. Rule and petition are disposed of accordingly.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]